

*Board of Zoning Appeals  
Thursday, April 20, 2006  
Regular Meeting - 10:00 A.M.  
Phone # (937) 328-2495*

*Springview Developmental Center  
Administration Building  
3103 E. Main Street  
Springfield, Ohio 45505*

# AGENDA

- |    |  |                        |
|----|--|------------------------|
| 1. | Minutes - January 19, 2006   | Discussion &<br>Action |
| 2. | BZA-2006-1 - Variance<br>William and Polly Agle<br>S. Urbana Lisbon Road, south of 455 S. Urbana Lisbon Rd., west side<br>Harmony Township<br>(TABLED FROM JANUARY 19 <sup>TH</sup> MEETING) | Discussion &<br>Action |
| 3. | BZA-2006-3 - Variance<br>Anthony & Sharon Gerardi<br>250 Whaley Road<br>Bethel Township  | Discussion &<br>Action |
| 4. | Election of Officers   | Action                 |
| 5. | Adjournment  | Action                 |

Minutes

Board of Zoning Appeals

Regular Meeting  
Thursday, January 19, 2006

Springview Developmental Center  
Administration Building  
3130 E. Main Street  
Springfield, Ohio 45505

NOTE: The tape was inaudible. The minutes will only display the motions, sorry for the inconvenience.

Chairman Perkins called the meeting to order at 10 a.m.

Present: Mr. Wilfred Potter, Mr. Allen Perkins and Mr. Barclay

Absent: Mr. Rich Foster and Mr. Marvin Berschet

Also Present: Mr. Kelly Daniels, Clark County Zoning Inspector and other interested persons.

BZA-1-1-06 ~ Minutes ~ November 17, 2005

Motion by Mr. Barclay, second by Mr. Potter to approve the minutes as printed.

VOTE: Motion carried unanimously.

BZA-2006-1 ~ Variance ~ William and Polly Agle ~ South Urbana Lisbon Road, just south of 455 South Urbana Lisbon Road on the west side ~ Harmony Township.

Mr. Daniels explained the applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots 40 acres or more in size shall have a minimum frontage of 500'. Granting the request would permit a 60' wide strip of land and a one acre lot to be split from a 131.76 acre tract, leaving a net frontage of 200.41' for the residual of about 126 acres. The applicant has submitted a letter of justification.

BZA-1-2-06 ~ Variance ~ William and Polly Agle ~ South Urbana Lisbon Road, just south of 455 South Urbana Lisbon Road on the west side ~ Harmony Township.

Motion by Mr. Perkins, second by Mr. Barclay to table to case until the next meeting.

VOTE: Yes: Mr. Perkins  
Mr. Barclay

No: Mr. Potter

Minutes

Board of Zoning Appeals

Motion passes

BZA-2-6-02 ~ Variance ~ Gregory W. Powell ~ 5880 Baldwin Lane ~ Moorefield Township.

Mr. Daniels explained the applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots 10 to 39.99 acres in size shall have a minimum frontage of 350'. Granting the request would permit a 39.25 acre lot to be split with 121' of frontage with a residual of 35.77 acres with 811' of frontage. The applicant owns a 75.02 acre tract of land on Baldwin Lane. The northern half of the 75.02 acre tract has wooded areas, steep topography, and is in the 100 year flood zone. If the variance is granted, Mr. Powell will keep the productive 35.08 acre tract and sell the 39.25 acres.

BZA-1-3-06 ~ Variance ~ Gregory W. Powell ~ 5880 Baldwin Lane ~ Moorefield Township.

Motion by Mr. Barclay, second by Mr. Perkins to approve the Variance of Chapter 2, Section A of the Clark County Zoning Resolution to permit a 39.25 acre lot to be split with 121' of frontage with a residual of 35.77 acres with 811' of frontage.

VOTE:                    Yes:    Mr. Barclay  
    Mr. Perkins

Abstained:    Mr. Potter

Motion passes

ELECTION OF OFFICERS

BZA-1-4-06 ~ Election of Officers

Motion by Mr. Perkins, second by Mr. Potter to table the election of officers until the next meeting when all members are present.

VOTE: Motion carried unanimously.

ADJOURNMENT

BZA-1-5-06 ~ Adjournment

Motion by Mr. Potter, second by Mr. Barclay to adjourn the meeting.

VOTE: Motion carried unanimously.

**Minutes**

**Board of Zoning Appeals**

The meeting was adjourned at 11:09 a.m.

Allen Perkins, Chairman

**BZA-2006-01 ~ Variance ~ William & Polly Agle ~ South Urbana Lisbon Road, just south of 455 South Urbana Lisbon Road on the west side ~ Harmony Township**

**Date of Report:** April 10, 2006

**TO:** Board of Zoning Appeals

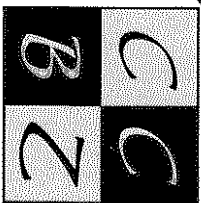
**FROM:** Planning Staff

**APPLICANT'S REQUEST:**

The applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lot 40 acres or more in size shall have a minimum frontage of 500'. Granting the request would permit a 60' wide strip of land and a one acre lot to be split from a 131.76 acre tract, leaving a net frontage of 200.41' for the residual of about 126 acres.

**STAFF'S ANALYSIS:**

On January 19, 2006, a public hearing was held at the regular meeting to hear the case of William and Polly Agle, after the hearing, the case was tabled in order to obtain additional information. An opinion from the Prosecuting Attorney was obtained to address questions from the staff. The question was, can a landowner attach land which has sufficient frontage to an original landlocked tract and therefore, make the landlocked original tract eligible for lot splits as long as the building sites are located on the developer's original tract? The answer was; a parcel owner is not permitted to attach or tack on land from an adjacent property in order to meet the basic requirements set forth in Section 3.61 of the Subdivision Regulations. The proposed lot split would fail the requirement that product lots front upon an existing road.



# Clark County Zoning Regulations

937 328 2495  
937 328 2621 fax  
email: bldgreqs@co.clark.oh.us

Garfield Building  
25 W. Pleasant St  
Springfield, OH 45506

Dana R. Boeghler  
Director

April 12, 2006

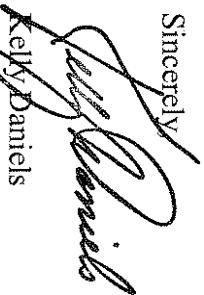
Dear Applicant:

On **April 20, 2006**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., at the **Administrative Building, formerly known as Springview Developmental Center, 3130 E. Main Street Springfield, Ohio**. The purpose of this hearing is to review your request for a Variance.

We will provide signs to direct you where the hearing will take place. There is parking in the rear off of Ogden Road. Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,

  
Kelly Daniels  
Zoning Inspector

la

Board of Zoning Appeals  
Clark County, Ohio  
Request for Variance

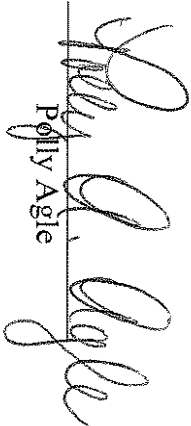
November 29, 2005

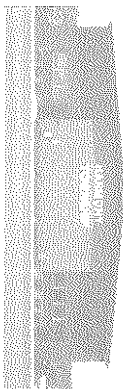
William and Polly Agle desire to convey to Loren Parker a 60' wide strip of ground off of the entire north side of their current 131.76-acre tract. This 60' wide parcel would be attached to said Parker's 114.63-acre tract of land that adjoins the Agle's property. The 60' wide strip of land would serve as an access to Parker's property from S. Urbana-Lisbon Road (State Route 54) and would not be used as a separate building site.

Also, the Agles are considering the possibilities of a one-acre lot subdivision along their remaining frontage. The current frontage of the Agle tract is 427.41 feet. The conveyance of a 60' strip of ground to Parker would result in a remaining frontage of 367.41 feet. The one lot subdivision could have as much as 167' of frontage, leaving a net residue frontage of 200.41 feet. The minimum road frontage (per zoning) of 500' is the reason for the variance request.

Respectfully,

  
William Agle

  
Polly Agle



# Harmony Township

11000 E. National Road • P.O. Box 212 • South Vienna, OH 45389

**Board of Trustees**

Paul A. Wilson  
568-4234  
Rick Delaney  
322-0015  
Jay W. Flax  
462-8176  
Clerk  
Margaret E. Dunn  
568-4463

January 13, 2006

Board of Zoning Appeals  
3103 E. Main Street  
Springfield, Oh 45505

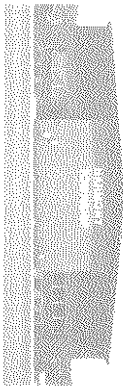
Dear Sirs,

The Harmony Township Trustees met in regular session January 12, 2006 at which time a group of Harmony Township residents attended to voice their concerns and ask for support from the Harmony Township Trustees in the matter of a variance for William and Polly Agle (BZA-2006-1).

The following are the concerns voiced by the constituents:

- The access drive proposed by the owner could become a road leading to a development. The neighbors have heard that Mr. Agle intends to sell the access to Mr. Loren Parker who owns property at the west end of this proposed drive. Mr. Parker is a real estate broker and will probably try to build houses on the property leading from this access. The increased traffic from construction equipment and other residents is not acceptable.
- The access road is positioned on the north property line of Mr. Agle's property and runs very close to the Phares' garage on the south side of their property (less than 15 feet). Again, if the access drive becomes a road to housing to the west, the increased traffic is not acceptable to the neighbors.
- If the road is established, Mr. James Perks is concerned that a ditch which crosses his property onto the adjoining Agle land will be compromised. The water runoff in this ditch is significant at times and obstructing that runoff would be detrimental to several properties in the area and especially his.
- The neighbors expressed their concerns about this access becoming a road to other housing rather than just a driveway for Mr. Parker to use for his access to his house.
- The neighbors are aware of Mr. Parker's dilemma concerning access to his property from the current SR40 entrance. While they are sympathetic to the situation they feel that access could be obtained from perhaps another direction.





# Harmony Township

11000 E. National Road • P.O. Box 212 • South Vienna, OH 45369

Board of Trustees  
Paul A. Wilson  
568-4234  
Rick Delaney  
322-0015  
Jay W. Flax  
462-8176  
Clerk  
Margaret E. Dunn  
568-4463

- The neighbors understand the reasons for Mr. Agle's proposal. Most of them have bought their own properties from him. However, his variance goes against what they were verbally told when they purchased their property.
- The trustees and property owners in the immediate area have also voiced a concern that the visibility exiting from this drive is not the ideal. The elevation is such that vehicles entering onto SR54 will have difficulty seeing oncoming traffic and this traffic will have difficulty seeing vehicles exiting from this drive.

These are the concerns voiced at the township meeting and the trustees are sympathetic to them. The trustees join the residents in opposing this access on SR 54 until and unless the access for Mr. Parker on SR40 cannot be resolved. If the issue is resolved, there should be no need for this drive.

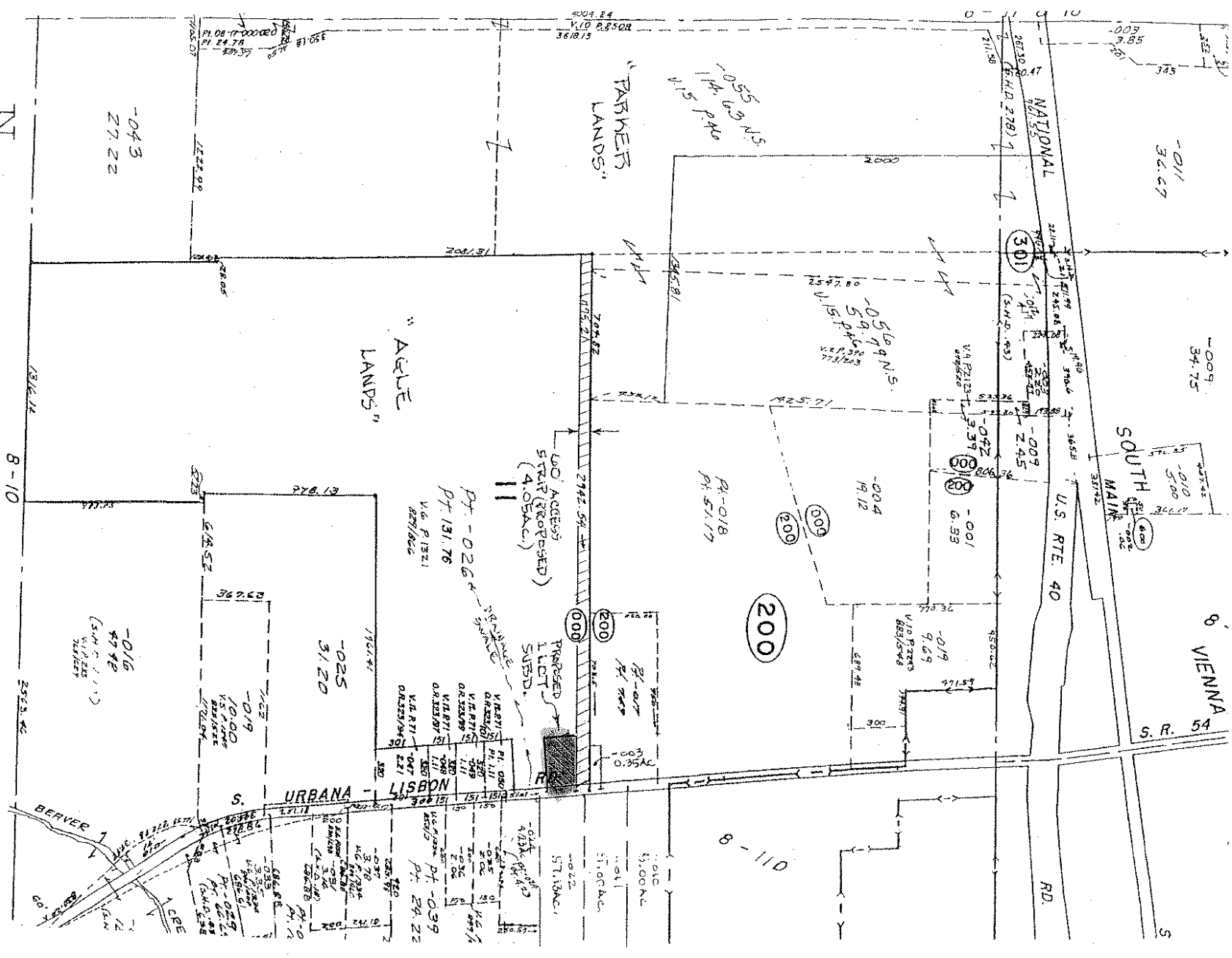
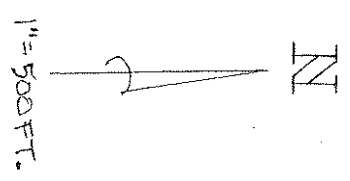
Thank you.

Sincerely,

Harmony Township Trustees  
Margaret Dunn, Fiscal Officer

Cc: Mr. Kelly Daniels, Mr. and Mrs. James Perks, Mr. and Mrs. Randy Phares, Mrs. Jean Ark, Mrs. Naomi Clark

PARCEL MAP  
VARIANCE REQUEST  
LANDS OF BILL & POLLY AGLE  
PT. SEC. 11, T. 6, R. 9, E. 1/4  
HARMONY TWP. ~ CLARK COUNTY, OHIO  
NOV. 29, 2005



2006/01/05



**BZA-2006-3 ~ Variance ~ Bethel Township  
Anthony & Sharon Gerardi ~ 250 Whaley Road**

Date of Report: April 10, 2006

TO: Board of Zoning Appeals

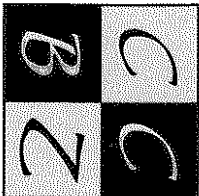
FROM: Planning Staff

**APPLICANT'S REQUEST:**

The applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots 10 to 39.99 acres in size shall have a minimum frontage of 350'. Granting the request would permit a 12.017 acre tract of land to be split with 150' of frontage from approximately 16 acres.

**STAFF'S ANALYSIS:**

The original tract of land was 16.072 acres with 555' of frontage, the owner Wilma L. Norris split two building lots which left 12.017 acres with 150' of frontage. The 150' of frontage was less than the required 350' for a lot with more than 10 acres. The residual of 12.017 acres was legally sold and attached to Mr. Garardi's existing lot which eliminated the need for a variance at that time.



# Clark County Zoning Regulations

937.328.2495  
937.328.2621 fax  
email: bldgregs@co.clark.oh.us

Garfield Building  
25 W. Pleasant St  
Springfield, OH 45506

Dana R. Booghter  
Director

April 12, 2006

Dear Applicant:

On **April 20, 2006**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., at the **Administrative Building, formerly known as Springview Developmental Center, 3130 E. Main Street Springfield, Ohio**. The purpose of this hearing is to review your request for a Variance.

We will provide signs to direct you where the hearing will take place. There is parking in the rear off of Ogden Road. Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,

Kelly Daniels  
Zoning Inspector

la

Discussion of variance request

per

In December 2001, my wife and myself purchased a 12 woods directly behind our residence. We bought this property with the understanding that it could be resold if necessary (see attached deed with legal description). It was to be part of our retirement investments. When we purchased it, it was shown as a separate piece of property. (see attached drawing of survey map). We did not understand that it would be attached to our existing residence.

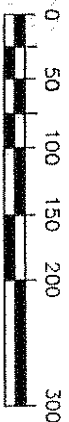
The 12 acre woods has 150 feet of frontage. The property to the right has 160 feet of frontage and the property to the right has 245 feet of frontage. So they are all similar. The front acre is cleared, has large trees, is maintained and mowed. It is a very nice area to build a house. Our intent was to possibly resell this woods when needed for retirement.

It is our desire to obtain a variance so that we have the option to sell the 12.017 acres as a separate piece of property.





BETHEL TOWNSHIP, CLARK CO., STATE OF OHIO



SCALE: 1" = 100'-0"

- MONUMENT LEGEND**
- Iron pin (found) 5/8" Dia. Rebar (30" length)
  - ◊ Iron pin (set) 5/8" Dia. Rebar (30" length)
  - ◉ w/ Plastic cap stamped: KLINE ENG. LS-6590
  - ◊ Iron Pipe (found)
  - ◉ Spike (found)
  - ▲ Spike (set)
  - ▲ P.K. Nail set
  - ◻ Concrete Monument found
  - ◻ Corner Post found

NOTE: The basis of bearings is referenced to the easterly line (North 04°50'00" East) of a 3.00 Acre Tract as filed in Volume 8, Page 1359 of the Clark County Engineer's Revised Record of Land Surveys.

Monuments found or set are in good condition unless otherwise labeled.

Deeds & Survey Records as noted on drawing are source data for this survey.

Site: Existing Right Of Way In Lammes Lane  
30 Feet

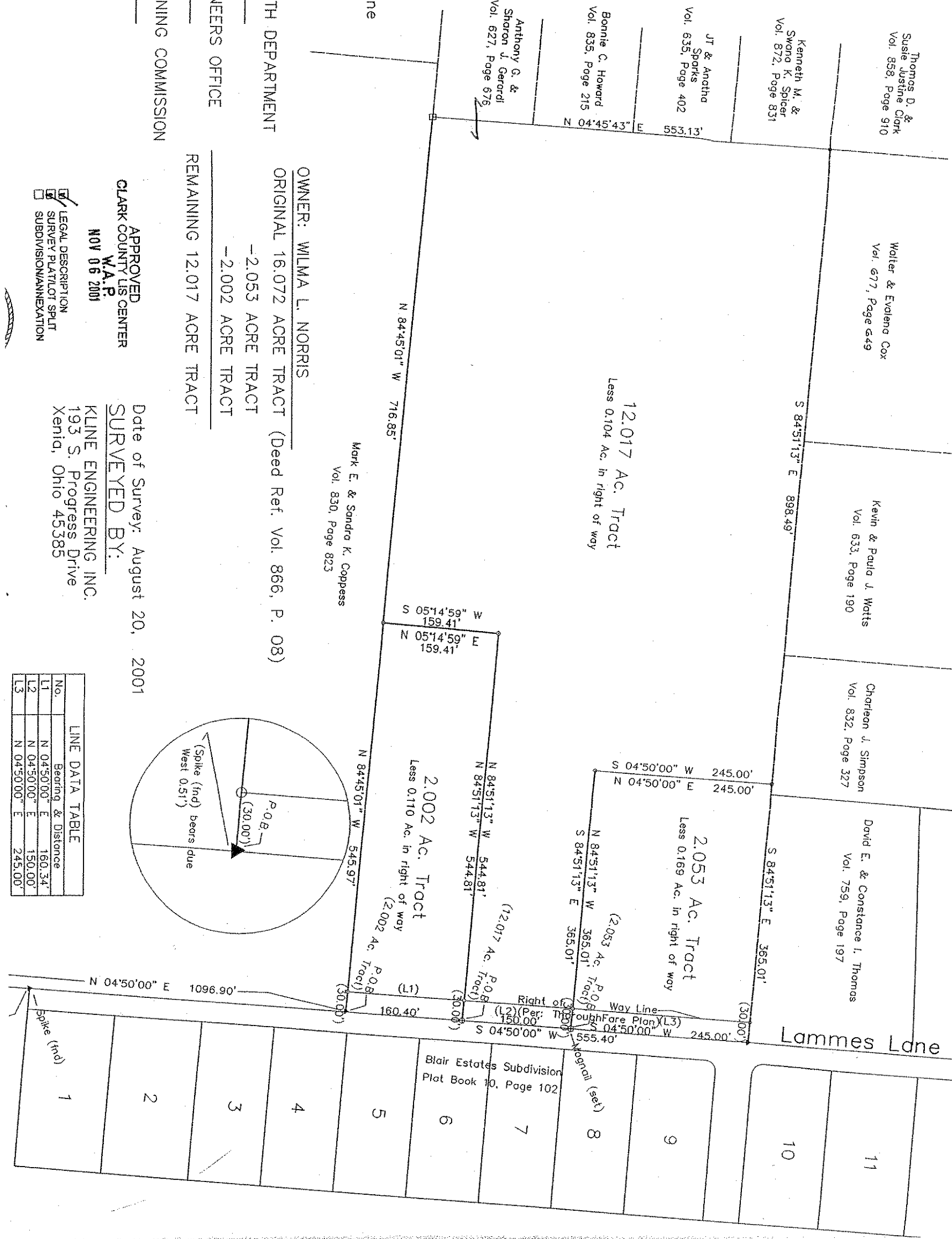
APPROVALS:

APPROVED BY CLARK COUNTY HEALTH DEPARTMENT  
DATE \_\_\_\_\_

APPROVED BY CLARK COUNTY ENGINEERS OFFICE  
DATE \_\_\_\_\_

APPROVED BY CLARK COUNTY PLANNING COMMISSION  
DATE \_\_\_\_\_

PREPARED FOR: WILMA L. NORRIS  
305 LAMMES LANE  
NEW CARLISLE, OHIO 45344



APPROVED  
CLARK COUNTY LIS CENTER  
W.A.P.  
NOV 06 2001

☒ LEGAL DESCRIPTION  
☐ SURVEY PLAT/LOT SPLIT  
☐ SUBDIVISION/ANNEXATION

Date of Survey: August 20, 2001  
SURVEYED BY:  
KLINE ENGINEERING INC.  
193 S. Progress Drive  
Xenia, Ohio 45385

LINE DATA TABLE		
No.	Bearing & Distance	
L1	N 04°50'00" E	160.34'
L2	N 04°50'00" E	150.00'
L3	N 04°50'00" E	245.00'

